

Senate File 2246

SENATE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3149)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the board of directors of a school district to
2 adopt a student promotion policy to support student reading at
3 grade level, providing for related matters, and providing an
4 effective date and for the Act's applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 6319SV 80
7 kh/pj/5

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1 1 Section 1. Section 256D.9, Code Supplement 2003, is
1 2 amended to read as follows:
1 3 256D.9 FUTURE REPEAL.
1 4 This chapter is repealed effective July 1, ~~2004~~ 2005.
1 5 Sec. 2. NEW SECTION. 279.60 STUDENT PROMOTION OR
1 6 RETENTION.
1 7 1. A student enrolled in grade three who at the completion
1 8 of grade three is more than one year below grade level in
1 9 reading as determined by reading assessments administered
1 10 pursuant to this section, shall not be promoted to grade four
1 11 unless determined not to be in the best interest of the child
1 12 as provided in the student promotion policy adopted by the
1 13 school in accordance with this section. The board of
1 14 directors of each school district shall adopt a student
1 15 promotion policy that facilitates collaboration among
1 16 teachers, parents, and guardians of the students, and the
1 17 school district to support student reading at grade level.
1 18 The policy shall address the assessment of, and the
1 19 establishment of performance levels for, a student identified
1 20 as limited English proficient and a student identified as a
1 21 child requiring special education. The policy shall be
1 22 developed, and annually updated, with input from school
1 23 administrators, teachers, parents, and guardians. Annually,
1 24 by the first day of school, the school district shall notify
1 25 the parents and guardians of students in grades kindergarten
1 26 through grade three of the district's student promotion
1 27 policy.
1 28 2. a. To identify students at risk of reading failure,
1 29 students enrolled in kindergarten through grade three of a
1 30 school district shall be assessed at the beginning of each
1 31 school year and throughout the school year as necessary by
1 32 ongoing assessments of their reading skills or early literacy
1 33 development including, but not limited to, phonological
1 34 awareness, reading fluency, and alphabetic principle. At
1 35 least annually, within the first three months of the school
2 1 year, the school district shall provide written notice to the
2 2 parent or guardian of the student's Iowa grade equivalency.
2 3 b. The department of education shall establish by
2 4 administrative rule a list of approved reading or early
2 5 literacy development assessments, which shall be provided to
2 6 each school district. This list shall include the dynamic
2 7 indicators of basic early literacy skills (DIBELS), a
2 8 standardized, individually administered measure of early
2 9 literacy development, and the Iowa test of basic skills.
2 10 c. The director of the department of education shall
2 11 establish a committee to assist with the development of rules
2 12 required pursuant to paragraph "b", to review and recommend
2 13 reading and early literacy development assessments that
2 14 measure a student's reading skills or early literacy
2 15 development, including assessments relating to the following:
2 16 (1) To assess a student's reading skills or early literacy
2 17 development progress throughout the school year.
2 18 (2) To indicate grade level competencies that have been
2 19 attained.
2 20 (3) To review and recommend reading skill or early

2 21 literacy development assessments that have been developed or
2 22 utilized by other states to the extent that the tests are
2 23 appropriate for use under this section.
2 24 The majority of members appointed shall be supportive of
2 25 research-based reading instruction described in the center for
2 26 the improvement of early reading achievement report issued in
2 27 2001 titled "Put Reading First: The Research Building Blocks
2 28 for Teaching Children to Read".
2 29 The assessments recommended shall be thoroughly researched
2 30 and demonstrated to be reliable and valid indicators of
2 31 reading progress. In developing its recommendations, the
2 32 committee shall review the requirements of the federal No
2 33 Child Left Behind Act of 2001, Pub. L. No. 107-110, and any
2 34 federal regulations adopted pursuant to the federal Act, to
2 35 align the committee's recommendations with the requirements of
3 1 the federal Act when possible in order to minimize any
3 2 additional burden the committee's recommendations may place on
3 3 a school district. The committee shall provide a progress
3 4 report to the chairpersons of the house and senate standing
3 5 committees on education, annually until July 1, 2008, and
3 6 biennially thereafter.
3 7 3. The board of directors of each school district shall
3 8 establish a committee, composed of stakeholders, to develop
3 9 reading instruction programs that meet the requirements of
3 10 this section. The reading instruction programs shall include,
3 11 but may not be limited to:
3 12 a. Curriculum using systematic and explicit phonics
3 13 instruction.
3 14 b. Sufficient additional in-school instructional time for
3 15 the acquisition of phonological awareness, reading fluency,
3 16 and alphabetic principle.
3 17 c. Tutorial instruction.
3 18 d. Periodic reassessments to measure the reading skills or
3 19 early literacy development including, but not limited to,
3 20 phonological awareness, reading fluency, and alphabetic
3 21 principle, as identified in the student's individualized
3 22 reading instruction program.
3 23 e. Additional in-school instructional time during the
3 24 summer.
3 25 4. If the results of assessments administered indicate
3 26 intervention is necessary, the school district shall provide
3 27 written notice to the parent or guardian of the student's Iowa
3 28 grade equivalency and the options available to the parent or
3 29 guardian as provided in subsection 3. A parent or guardian of
3 30 a student shall be included in the development of an
3 31 individualized program of reading instruction for the student.
3 32 5. If the results of assessments administered indicate the
3 33 student is reading above grade level, the school district
3 34 shall provide written notice to the parent or guardian of the
3 35 options available to the parent for enrichment activities for
4 1 the child.
4 2 6. For any grade three student found reading more than one
4 3 year or more below grade level as determined by reading
4 4 assessments administered pursuant to this section, a new
4 5 intensive reading instruction plan, which shall include
4 6 specialized tutoring by the school district, shall be
4 7 developed and implemented. The school district is encouraged
4 8 to provide tutorial instruction in a manner that would
4 9 minimize interference with a student's instructional time in
4 10 the classroom. Tutorial instruction may be offered before or
4 11 after regular school hours.
4 12 7. A school district shall notify a parent or guardian in
4 13 writing of the ability of the parent or guardian to appeal a
4 14 school's decision to deny promotion of a student to the school
4 15 board. The school board shall decide in favor of a student's
4 16 promotion only if the school board concludes, using standards
4 17 adopted by the school board, that if promoted and provided
4 18 with additional or continued interventions, the student is
4 19 likely to perform at grade level. However, a school board
4 20 shall not deny a promotion to a student under the provisions
4 21 of this section more than once. A decision of the school
4 22 board to deny promotion is subject to appeal under section
4 23 290.1.
4 24 8. The director of the department of education shall
4 25 conduct a review of school district student promotion
4 26 policies, including the number of students in need of
4 27 remediation in reading in kindergarten through grade three,
4 28 and the number of students who successfully completed their
4 29 individualized reading instruction program. The director
4 30 shall evaluate the data reported pursuant to this subsection
4 31 and shall submit a report of the findings and recommendations

4 32 resulting from the review to the senate and house standing
4 33 committees on education and the joint appropriations
4 34 subcommittee on education by December 1, 2006, and biennially
4 35 thereafter.

5 1 9. The state board of education shall submit its
5 2 recommendations for modifications to this section relating to
5 3 student promotion in a report to the senate and house standing
5 4 committees on education and the joint appropriations
5 5 subcommittee on education by December 1, 2006.

5 6 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
5 7 3, shall not apply to this Act.

5 8 Sec. 4. EFFECTIVE DATE. The section of this Act amending
5 9 section 256D.9, being deemed of immediate importance, takes
5 10 effect upon enactment.

5 11 Sec. 5. PROMOTION DENIAL APPLICABILITY DATE. Provisions
5 12 relating to promotion of a student in section 279.60,
5 13 subsections 1 and 7 of this Act, if enacted, are applicable
5 14 commencing with the school year beginning July 1, 2007.

5 15 SF 2246
5 16 kh/cc/26